

	UNMANNED AIRCRAFT/DRONE VIOLATION ENFORCEMENT	Operations Order 7.32.00
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1. GENERAL ENFORCEMENT INFORMATION

- A. The objective of this policy is to establish enforcement guidelines to help protect the public and City employees from unsafe unmanned aircraft/drone operation.
- B. Officers will use discretion in conducting enforcement.
 - (1) In determining whether or not to conduct enforcement, the highest consideration will be given to protecting the safety of the public and the security of critical facilities.
 - (a) If it is evident the operator had no criminal intent and compliance to state law can be achieved through an educational contact, officers may give a warning to cease and desist the unlawful flight.
 - (b) If the totality of the circumstances indicate the operator/owner had criminal intent in the unlawful operation of the unmanned aircraft or the operator/owner conducted the flight in such an unreasonable manner as to put the safety of the public at risk, officers shall conduct enforcement.

2. DEFINITIONS

A. Critical Facilities	- Any Airport - A petroleum or alumina refinery - A petroleum, chemical or rubber production, transportation, storage, or processing facility - A chemical manufacturing facility - A water or wastewater treatment facility and water development, distribution, or conveyance system, including a dam - An electric generation facility, as defined in Arizona Revised Statute (ARS) 42-14156, and any associated substation or switchyard - An electrical transmission or distribution substation - An electrical transmission line of at least sixty-nine thousand volts - An electronic communication station or tower - An energy control center - A distribution operating center - A facility that transfers or distributes natural gas, including a compressor station, regulator station, city gate station, pressure limiting station, a liquefied natural gas facility, or supplier tap facility - Any railroad infrastructure or facility - A federal, state, county, or municipal court - A public safety or emergency operation facility (police stations) - A federal, state, county, or municipal jail or prison or other facility in which persons are incarcerated - A federal or state military installation or facility - A hospital that receives air ambulance services
B. Commercial Unmanned Aircraft/ Drone Operation	- Any unmanned aircraft/drone flight conducted for non-hobby or commercial purposes. - Commercial operators/owners must possess all of the following documents: * Section 333 exemption or aircraft certification * Federal Aviation Administration (FAA) Certification of Authorization (COA) * Aircraft registration and markings * Pilot certificate NOTE: Any UAS weighing more than 1.5 pounds is required to be registered with the FAA
C. Unmanned Aircraft	An aircraft, including an aircraft commonly known as a “drone” or unmanned aerial vehicle (UAV), that is operated without the possibility of direct human intervention from within or on the aircraft
D. Unmanned Aircraft System (UAS)	An unmanned aircraft and associated elements (cameras, memory chips, etc. including any communication links and components (smart phones, electronic pads, handheld remote control unit, etc.) that control the unmanned aircraft

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3. ENFORCEMENT CODES

A. Officers will not cite FAA rules and regulations in conducting criminal enforcement of UAS operators.

(1) If violations of FAA UAS rules and regulations are observed, officer may include the information in a police report which will be sent to the local FAA Flight Safety Office.

(a) The FAA may use the UAS flight violation information included in a Phoenix Police report for regulatory enforcement against the UAS operator.

NOTE: Officers will not use ARS 13-3729 – Unlawful Operation of Model or Unmanned Aerial Vehicle for criminal enforcement.

A. Below are examples of common civil violations of FAA regulations prohibiting unmanned aircraft/drone flights:

(1) Five (5) Mile Radius from Any Airport 14 Code of Federal Regulations (CFR) 101.41	Unmanned aircraft/drones will not be flown within a five (5) mile radius of any airport or heliport unless the operator/owner has received a waiver from the FAA or has contacted and been given permission by the affected control tower. - Officers can confirm if an operator/owner has received a waiver or been given permission from the control tower by calling the control tower in the area: - Phoenix Sky Harbor International Airport - 602-306-2500 - Deer Valley Airport - 623-581-3389 - Glendale Airport - 623-872-9588 - Scottsdale Airport - 480-951-1430
(2) Altitude Over 400 Feet 14 CFR 107.51	Unmanned aircraft/drones will not be flown over 400 feet above the ground.
(3) Out of View of the Operator 14 CFR 107.31	Unmanned aircraft/drones will not be flown out of line of site of the operator.
(4) Over People 14 CFR 107.39	Unmanned aircraft/drones will not be flown over large crowds of people, including stadiums, sporting events, outdoor concerts, large gatherings in parks, etc.
(5) Night Flight 14 CFR 107.29	Unmanned aircraft/drones will not be flown 30 minutes after official sunset or 30 minutes before official sunrise If the drone is flown during the 30 minutes before sunrise or after sunset, it must be equipped with navigational lights.
(6) Other Aircraft 14 CFR 107.37	Unmanned aircraft/drones must yield the right of way to other aircraft.
For more information on FAA regulations, click on Code of Federal Regulations or go to https://www.faa.gov/uas .	

B. Phoenix City Code (PCC) 24-49 - Operation of remotely controlled aircraft, unmanned aircraft vehicles and unmanned aircraft systems (addresses unmanned aircraft/drone flight in City parks)

- The operation must take place in an area of a park that is unobstructed by any objects within 400 feet on all sides.
- Children younger than 17 must be accompanied by an adult while operating an unmanned aircraft/drone in a park.

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3. D. Officers may consider using the following ARS criminal violations for criminal enforcement of unlawful or unsafe UAS flights.

<u>ARS 13-1201(A)</u>	Endangerment (recklessly endangering person with substantial risk of imminent death or physical injury).
<u>ARS 13-1202(A)(1)</u>	Threatening or intimidating (to cause serious public inconvenience).
<u>ARS 13-1204</u>	Aggravated Assault
<u>ARS 13-1424 (A)</u>	Voyeurism (knowingly invade the privacy of another for the purpose of sexual stimulation)
<u>ARS 13-1504(A)(6)</u>	Criminal Trespass 1 st Degree (knowingly entering or remaining in or on a critical public service facility)
<u>ARS 13-1602(A)(1)</u>	Defacing or Damaging Property (intentional or reckless)
<u>ARS 13-1604</u>	Aggravated Criminal Damage
<u>ARS 13-5002</u>	Criminal Trespass on a Military Reservation or Facility (knowingly entering or remaining)

4. **ENFORCEMENT PROCEDURES**

NOTE: If Practical, immediately advise the on-duty Air Support helicopter to assist with any UAS related enforcement.

- A. If officers receive a 500/Drone radio call for service and upon arrival in the area, an unmanned aircraft/drone is observed and enforcement action is appropriate, officers will request units to circulate the area to locate an operator/owner.

- If a call for service has not been received but officers observe the unlawful operation of a model or unmanned aircraft/drone and enforcement action is appropriate, officers will request a 500/Drone radio call be created and units to circulate the area to locate an operator/owner.

- B. If an operator/owner is found, make contact with and identify the operator/owner.

(1) When a warning is given:

- Issue a verbal cease and desist order.
- Complete a Field Interview (FI) ensuring *Homeland Defense Bureau* is selected as "Offense Element 1" for proper routing.

(2) When enforcement action is taken:

- Place the operator/owner under arrest.
- Seize the unmanned aircraft/drone, including the camera and controlling devices (smart phone, electronic tablet, remote control device, etc.).
 - * Immediately disconnect the battery from the unmanned aircraft/drone (this will prevent the data on the aircraft from being erased remotely).
- Issue a citation in lieu of detention (CLD) (if eligible) or book the suspect.
- Complete an Incident Report (IR).
 - * Select the appropriate ARS/PCC criminal violation as the offense (see sections 3.C and 3.D of this order for more information).

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4. B. (2) When enforcement action is taken: (continued)

- Impound, in an evidence bag if possible, the drone and controlling devices.
- * Evidence bags will be utilized for smaller components and if the drone will not fit in an evidence bag, the drone will be affixed with a string ID Tag Form 80-63 as outlined in [Operations Order 5.8.00, Evidence, Impounding, and Property](#).
- A Terrorism Liaison officer (TLO) may be contacted at 602-262-7496 (Fire Alarm Room) for guidance and assistance.

C. When an unattended or crashed unmanned aircraft/drone is found, officers will:

- Request a 500 Drone radio call be created.
- Take possession of the drone and disconnect the battery.
- Complete a Field Interview (FI) ensuring *Homeland Defense Bureau* is selected as "Offense Element 1" for proper routing.
- Impound, in an evidence bag if possible, the unmanned aircraft/drone.
- * If the drone will not fit in an evidence bag, the drone will be affixed with a string ID Tag Form 80-63 as outlined in [Operations Order 5.8.00, Evidence, Impounding, and Property](#).

D. After an IR/FI has been completed and the unmanned aircraft/drone is impounded, the Homeland Defense Bureau will conduct all necessary follow up.

5. **USE OF UNMANNED AIRCRAFT/DRONES BY EMPLOYEES**

- Employees will not use unmanned aircraft/drones, either personally owned or City owned, in the furtherance of official police operations unless they have been assigned that specific function by the Department.

Last Organizational Review:

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